

UNITED STATES DISTRICT COURT
Northern District of Ohio

FILED

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United States of America

ORDER SETTING CONDITIONS
OF RELEASEUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
AKRON

v.

ROBERT E. DAVIS
Defendant.

Case Number: 5:06CR134

Release on Personal Recognizance, Unsecured, or Secured Bond

IT IS ORDERED that the defendant be released provided that:

Personal Recognizance

- () 1. The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.

Unsecured

- (X) 2. The defendant executes an unsecured bond binding the defendant to pay the United States the sum of Twenty thousand dollars (\$20,000.00) in the event the defendant fails to appear as required or fails to surrender for service of any sentence imposed.

Secured Bond (Cash or 10%)

- () 3. The defendant executes a secured bond binding the defendant to pay the United States the sum of \$_____ dollars, and there has been deposited in the Registry of the Court the sum of \$_____, in (cash, 10% or describe surety) in the event the defendant fails to appear as required or fails to surrender for service on any sentence imposed.

Secured Bond (Property)

- () 4. The defendant executes an agreement to forfeit upon failing to appear as required, property of a sufficient unencumbered value, including money, and shall provide the court with proof of ownership and the value of the property along with information regarding existing encumbrances as the judicial office may require.

Standard Conditions of Release

- (x) 5. The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (x) 6. The defendant shall immediately advise the Pretrial Services Office, defense counsel and the U.S. Attorney in writing before any change in address and telephone number.
- (x) 7. The Defendant shall refrain from possessing a firearm, destructive device or dangerous weapon.
- (x) 8. Defendant's travel is restricted to the Northern District of Ohio and/or the eastern half of the U.S., as monitored by Pretrial Services subject to further order of the court.
- (x) 9. Refrain from use or unlawful possession of a narcotic drug or other controlled substance defined in 21 U.S.C. Section 802 unless prescribed by a licensed medical practitioner.
- (x) 10. The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.
11. Pretrial Supervision (Check Box "A" or "B")
- () A. Submit to Pretrial Services supervision by telephone/fax/mail for the limited purpose of confirming residence and employment. Further conditions may be imposed with approval of a judge of the court.
- (X) B. Submit to Pretrial Services supervision as directed, and submit to home or employment visits by Pretrial Services as deemed necessary, and promptly inform Pretrial Services of any address, phone number, or employment changes.

Special Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonable assure the appearance of the defendant and the safety of other persons and the community.

IT IS FURTHER ORDERED that the release of the defendant is subject to the special conditions marked below:
The defendant shall:

- ☐ A. Maintain or actively seek employment.
- ☐ B. Maintain or commence an education program.
- ☒ C. Surrender any passport to: Clerk of Court no later than 3/31/06 and/or obtain no new passport.
- ☐ D. Submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. Participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.
- ☐ E. Refrain from any use of alcohol.
- ☐ F. Undergo a psychiatric/mental health evaluation and/or counseling as directed by Pretrial Services. Take all medications as prescribed.
- ☒ G. Avoid all contact with co-defendants.
- ☐ H. Avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution.
- ☐ I. Maintain residence with/at: _____
- ☐ J. Clear all outstanding warrants by: _____
- ☐ K. Participate in one of the following home confinement program components and abide by all the requirements of the program which will include electronic monitoring or other forms of location verification. You shall pay all or part of the cost of the program based upon your ability to pay as determined by Pretrial Services or the supervising officer.
 - ☐ **Curfew:** you are restricted to your residence every day from _____ to _____ or as directed by Pretrial Services or supervising officer; or
 - ☐ **Home Detention:** you are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by Pretrial Services or supervising officer; or
 - ☐ **Home Incarceration:** you are restricted to your residence at all times except for medical needs or treatment, religious services, attorney visits, and court appearances pre-approved by Pretrial Services.
- ☐ L. The defendant is placed in custody of: (Name of Person or Organization) _____
 _____ (City and State) _____ (Telephone Number)

Who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed by Custodian or Proxy: _____

Date: _____

- ☐ M. _____
- ☐ N. _____
- ☐ O. _____

TO THE DEFENDANT:
YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. The sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim, or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- 1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- 2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisonment for not more than five years, or both;
- 3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- 4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

P. E. O. J.
Signature of Defendant:

Kent D.H.
City and State:

Telephone:

Directions to United States Marshal

- () The defendant is ORDERED released after processing.
() The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judge at the time and place specified, if still in custody.

Date: 3/31/2006

James S. Gallas
Signature of Judicial Officer

James S. Gallas United States Magistrate Judge
Name and Title of Judicial Officer

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL